

do in our consideration of this very important agreement. I urge my colleagues to support the amendment.

I yield the remainder of the time.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment?

AMENDMENT NO. 5683

Mr. BINGAMAN. Mr. President, I do call up amendment No. 5683.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DORGAN, Mr. AKAKA, Mr. HARKIN, Mr. FEINGOLD, and Mrs. BOXER, proposes an amendment numbered 5683.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit nuclear trade with India in the event that India detonates a nuclear weapon and to impose certain certification, reporting, and control requirements)

At the end of title I, add the following:

**SEC. 106. PROHIBITION OF NUCLEAR TRADE IN EVENT OF NUCLEAR WEAPON DETONATION BY INDIA.**

Notwithstanding any other provision of law, the United States may not export, transfer, or retransfer any nuclear technology, material, equipment, or facility under the Agreement if the Government of India detonates a nuclear explosive device after the date of the enactment of this Act.

**SEC. 107. CERTIFICATION, REPORTING, AND CONTROL REQUIREMENTS IN EVENT OF NUCLEAR WEAPON DETONATION BY INDIA.**

In the event the Government of India detonates a nuclear weapon after the date of the enactment of this Act, the President shall—

(1) certify to Congress that no United States technology, material, equipment, or facility supplied to India under the Agreement assisted with such detonation;

(2) not later than 60 days after such detonation, submit to Congress a report describing United States nuclear related export controls that could be utilized with respect to countries that continue nuclear trade with India to minimize any potential contribution by United States exports to the nuclear weapons program of the Government of India; and

(3) fully utilize such export controls unless, not later than 120 days after such detonation, Congress adopts, and there is enacted, a joint resolution disapproving of the full utilization of such export controls.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. First, let me thank my two colleagues from North Dakota and New Mexico for combining their amendments in a way that I think makes sense. My colleague can correct me if I am wrong, the House was similar to both. There were somewhat different approaches, but I think they offer some clarity as to their concerns which, let me say at the outset, these are concerns I believe all of us share. There is not a single one of us, that I am aware of, in this body who doesn't have the same worries and concerns that my colleague from North Dakota

expressed, as well as my friend and colleague from New Mexico. I will not debate the number, whether it was 25,000 or 30,000 or 20,000—clearly, the problem with having a proliferation of nuclear devices around is a concern to all of us. Obviously, each and every one of us bears a responsibility to do everything we can to minimize the threat such weapons pose.

I don't know anyone more vigilant in that effort than my colleague from Indiana, along with my former colleague, Senator Nunn. The Nunn-Lugar proposals, which regrettably were not pursued as aggressively as I think they should have been by the Bush administration, were to convince the former Soviet Union and other nations to dismantle weapons of mass destruction and nuclear weapons in particular. That exists, and there are those of us who would like to see it pursued more aggressively. There are countless examples over the years of Members who have sought various means by which we could reduce the threat. I would argue, and I will, that this bill is very much in that tradition. This is not a deviation from that effort. It is very much in that same tradition others have pursued, to create and formulate the means by which we can reduce those threats.

This bill is comprehensive in many ways. It is certainly not perfect by anyone's stretch of imagination. Contrary to the suggestion that there has been one hearing on this, as if somehow this has been thrown together in the last couple weeks, there have been five major hearings with multiple panels conducted by Senators BIDEN and LUGAR. The other body has conducted at least that many hearings. It all began about 4 years ago, this process, not something just a week or two ago that has led to this.

You heard Senator LUGAR say that he alone submitted 174 questions to the State Department and other agencies, demanding their responses to those questions and publicized them on his Web site. So the very questions many of us have, have been addressed, maybe not to the satisfaction of everyone but certainly pursuing the very issues.

The reason I mentioned that is if, in fact, this amendment were adopted, of course, there would be no means by which you could resolve these matters with the other body. They have already adopted a bill without this language in it. Therefore, this would presumably pass without consideration. The fact is, that come next year the administration—because the time runs out on this—would be submitting the agreement without any of the agreements we have included in this bill, many of which do exactly what my colleagues from New Mexico and North Dakota are seeking to achieve. So the irony of ironies would be that while I respect immensely their intent, what they seek, in fact, it would be counterproductive of the very goal they are trying to achieve and that is to strip

away everything we have achieved under the leadership of Senators LUGAR and BIDEN, along with HOWARD BERMAN's leadership in the other body, to include the kind of understandings and requirements this bill mandated.

Is this a perfect bill? Absolutely not. But if we allow the perfect to become the enemy of the good, we are going to find ourselves, I think, in a far more serious situation than the one Senator DORGAN and Senator BINGAMAN has described to you.

I would never make the argument to my colleagues that if you adopt this amendment—I don't say hate; my wife advises that I don't use the word "hate" in front of the children—I deplore arguments that suggest that if you adopt this, it is a killer amendment, and we would have to go back and do further work. I think that is an insulting argument. In fact, if an amendment is a good amendment and ought to be adopted, we ought not to shy away from our responsibility. As a matter of fact, I will argue, the amendment is unnecessary; existing law does exactly what my colleagues are asking us to do today. But if we adopt them, we run the risk of something coming back a lot worse than what Senator BIDEN, Senator LUGAR, the Foreign Relations Committee, over extensive hearings, along with the work of the other body, have accomplished and achieved. As my colleagues listen to this debate, I hope they will take that under consideration.

I point out, the United States-India agreement will be resubmitted in January if it is not approved now. The next President would not have to seek any special law, which is what we have, to speed up the process. Rather, he could wait us out until the Atomic Energy Act forces us to take a vote on a clean resolution of approval of the agreement, without any of the amendments we have adopted and worked on over the years.

Let me mention an argument Senator LUGAR raised; I didn't. I regret not having mentioned it because I think it is a compelling argument as well. One of the arguments people need to understand is India does not have an unlimited supply of materials by which to create nuclear weapons. They will be faced, without outside sources of supply, to make a choice between nuclear weapons or the commercial powerplants.

I do not intend to speak as a great expert on Indian politics or the public mood in India, but nations, particularly ones that live in the neighborhood—I don't have the map up here any longer—where India resides, what choice would they make if they could only make one? Is it going to be energy or security? That is a difficult choice. While all of us want to see the energy choices made, a nation surrounded by nations that have nuclear capabilities, not exactly close to the democracy India is, by the way, may very well decide to have different alternatives. If